

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON DC. 20460**

DEC 19, 1986

Mr. Abraham Weisburg
General Manager
Technic Inc.
P.O. Box 965
Providence₁ RI 02901

Dear. Mr. Weisburg:

This is in response to your letter of October 23, 1986, regarding the regulatory status of precious metal-containing wastes that are sent for reclamation. As I explained to you over the telephone, precious metal-containing wastes that are hazardous (as defined under 40 CFR Part 261) and that are sent for reclamation are subject to the following requirements under the federal hazardous waste regulations: the notification requirements, certain recordkeeping requirements, and compliance with the manifest. See (CFR §261.6(a)(2)(iv) and Subpart F of Part 266. As you state in your letter, the N.Y. State Department of Conservation (DEC) has assessed a civil penalty against your company for allegedly transporting these wastes via a non-licensed transporter. As indicated above, this requirement (i.e., transporting hazardous wastes via a licensed transporter) is not a requirement under the federal regulations; rather this is a requirement under the State hazardous waste rules. Section 3009 of the Resource Conservation and Recovery Act (RCRA) allows the States hazardous waste regulations to be more stringent than the federal regulations. Therefore, you need to discuss your concerns with the state DEC regarding the alleged violation. While I understand your concerns, your objections need to be discussed with the State of N.Y rather than with the federal Environmental Protection Agency.

Please feel free to give me a call at (202) 475-8551 if you have further questions.

Sincerely,

Matthew A. Straus
Chief
Waste Characterization Branch

FAXBACK 11206